

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Amarillo Division

**JOWELL C. BULLARD,
NORRIS RAY TOLLERSON, JR.,
RANDY STOKES, JR. DONNA DAVIS,
ROBERT F. DEXTER, JR., JOSHUA R. LUSTER,
SCOTT RUSK, JEFFORY E. POOL, TYE A.
WARD, JAMES DAVID SMITH, MICHAEL A.
KING, DOMINGO MARQUEZ, STEPHEN A. WILSON,
H. WAYNE BLACK, on their own behalf and
for all others similarly situated,**

Plaintiffs,

VS.

Case No. **2-07CV-049-J**

BWXT PANTEX, L.L.C.,

Defendant.

**NOTICE OF LAWSUIT AND REQUEST FOR
WAIVER OF SERVICE FOR SUMMONS**

TO: **BWXT-PANTEX, L.L.C**
P.O. Box 30020
Amarillo, Texas 79120
Attn. Mr. John Alan Jones

A lawsuit has been commenced against BWXT-Pantex, L.L.C. A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the Northern District of Texas, and has been assigned docket number **2-07CV-049-J**

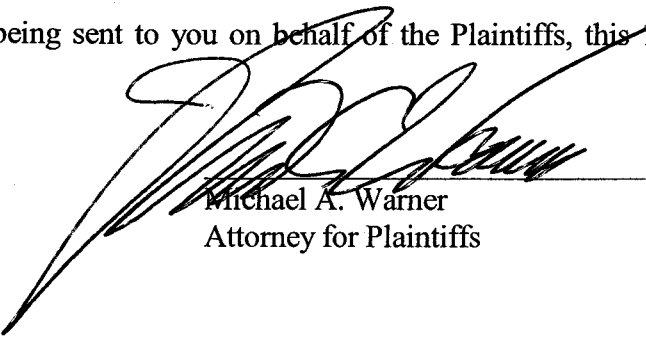
This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within 20 after the date designated below as the date on which this Notice and Request is sent. I enclose a prepaid postage envelope for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the Court

and no summons will be served. The action will then proceed as if you had been served on the date the waiver is filed, except you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent.

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require BWTX-Pantex, L.L.C. to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth on the bottom of the Waiver of Service of Summons form.

I affirm that this request is being sent to you on behalf of the Plaintiffs, this 19th day of March, 2007.



Michael A. Warner
Attorney for Plaintiffs

Enclosures

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Amarillo Division

JOWELL C. BULLARD,
NORRIS RAY TOLLERSON, JR.,
RANDY STOKES, JR. DONNA DAVIS,
ROBERT F. DEXTER, JR., JOSHUA R. LUSTER,
SCOTT RUSK, JEFFORY E. POOL, TYE A.
WARD, JAMES DAVID SMITH, MICHAEL A.
KING, DOMINGO MARQUEZ, STEPHEN A. WILSON,
H. WAYNE BLACK, on their own behalf and
for all others similarly situated,

Plaintiffs,

VS.

Case No. **2-07CV-049-J**

BWXT PANTEX, L.L.C.,

Defendant.

WAIVER OF SERVICE OF SUMMONS

TO: The Warner Law Firm
101 S.E. 11th, Suite 301
Amarillo, Texas 79101
Attn. Mr. Michael A. Warner

I acknowledge receipt of your request that I waive service of a summons in the action stated above, which was filed in the United States District Court for the Northern District of Texas. I have also received a copy of the complaint in the action, two copies of this Instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that BWXT-Pantex, L.L.C. be served with judicial process in the manner provided by Rule 4.

BWXT-Pantex, L.L.C. will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against BWXT-Pantex, L.L.C. if an answer or

motion under Rule 12 is not served upon you within 60 days after the date the request was sent, which was March 19, 2007.

Date

John Alan Jones
In his representative capacity as
Secretary and attorney for BWXT-Pantex, L.L.C.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the Court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the Court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.